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October 5, 2006

**OBLON**  
**SPIVAK**  
**McCLELLAND**  
**MAIER**  
**&**  
**NEUSTADT**  
**P.C.**

UNITED STATES PATENT AND TRADEMARK OFFICE  
2051 Jamieson Avenue  
Suite 300  
Alexandria, VA

ATTORNEYS AT LAW  
KATHLEEN A. MORSBERGER  
CONTROLLER  
(703) 412-6494  
KMORSBERGER@OBLON.COM

Attn: Refund Department

Re: Deposit Account Number 150030

Dear Sir or Madame:

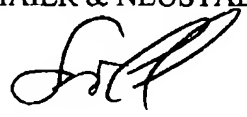
Enclosed is a copy of a portion of our Deposit Account Statement of August 2006. Please review the highlighted charge on **Serial Number 10/561, 530 in the amount of \$130.00 on fee code number 1464.**

This charge for filing a Petition Under 37 C.F.R. 1.181 to Grant a Filing Date should be reconsidered as the Patent Office acknowledged when granting the Petition that there was sufficient evidence to establish that the National stage papers were received in the USPTO but misplaced by the Office. Since this Petition was required as a result of the PTO misplacing the papers, we should not be required to pay the Petition fee.

**Please review this application and kindly refund \$130.00 to deposit account number 150030.** Copies of the appropriate paperwork are attached. If you have any questions, please contact Scott Lohr at (703) 412-6472. Thank you for your assistance.

Sincerely,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Scott Lohr

Enclosure: Deposit Account Statement

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**Deposit Account Statement**

Requested Statement Month: August 2006  
 Deposit Account Number: 150030  
 Name: NORMAN F. OBLON  
 Attention:  
 Address: 1940 DUKE STREET  
 City: ALEXANDRIA  
 State: VA  
 Zip: 22314  
 Country: UNITED STATES

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
08/01	18	11480369	293360US0X	1201	\$400.00	\$40,003.71
08/01	71	10671455	242963US0CONT	1401	\$500.00	\$39,503.71
08/02	1	10528722	450117-05578	1617	\$130.00	\$39,373.71
08/02	1	09994059	216196US-30RE	1201	\$400.00	\$38,973.71
08/02	2	10528722	450117-05578	1254	\$1,590.00	\$37,383.71
08/02	8	11197381	268730TW/FF	8007	\$20.00	\$37,363.71
08/02	15	11478610	293228US96	1202	\$100.00	\$37,263.71
08/02	32	11484771	293456US28SDIV	1081	\$250.00	\$37,013.71
08/03	6	10555642	279421US2PCT	1614	\$200.00	\$36,813.71
08/03	117	11184504	271842US/KQU	8007	\$80.00	\$36,733.71
08/03	118	60753413	284070US/KQU	8007	\$20.00	\$36,713.71
08/03	119	60716505	278423US/KQU	8007	\$60.00	\$36,653.71
08/04	11	0177610387	253782US/KLH	8013	\$25.00	\$36,628.71
08/04	28	11483606	292976US2	1203	-\$20.00	\$36,648.71
08/04	30	11483606	292976US2	1051	-\$130.00	\$36,778.71
08/04	114	10861154	450117-05189	1201	\$200.00	\$36,578.71
08/07	8	10569803	286857US40PCT	1615	\$100.00	\$36,478.71
08/07	9	10504335	257912US2PCT	2201	\$300.00	\$36,178.71
08/07	152	60712418	277671US/KQU	8007	\$20.00	\$36,158.71
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08/07	155	60707941	277036US/KQU	8007	\$100.00	\$35,958.71
08/07	254	10341466	232783US6X	8001	\$30.00	\$35,928.71
08/08	2	10885749	255602US25	1251	-\$120.00	\$36,048.71
08/08	4	10385489	235230US2	1801	\$790.00	\$35,258.71
08/08	459	60717743	278341US/KQU	8007	\$20.00	\$35,238.71
08/09	287	11201321	267029TW (KTY/FF. DEPT)	8007	\$20.00	\$35,218.71
08/10	6	11342534	284650US90	1081	\$250.00	\$34,968.71

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08/10 170	10542500	282594US-8X	8021	\$40.00	\$34,928.71
08/11 1	10529290	268528US0PCT	1615	\$200.00	\$34,728.71
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08/11 2	09926281		9204	-\$50.00	\$34,668.71
08/11 4	09612497	194174US2SRD	1201	-\$800.00	\$35,468.71
08/11 14	10554112	279831US90X PCT	1615	\$250.00	\$35,218.71
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08/14 207	11134367	272661US/KQU	8007	\$40.00	\$33,518.71
08/14 208	11134371	272658US/KQU	8007	\$40.00	\$33,478.71
08/14 210	11134370	272656US/KQU	8007	\$40.00	\$33,438.71
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08/15 96	09521394	450117-02431	1453	\$1,370.00	\$32,138.71
08/16 2	11066168	264884US0CONT	1806	\$180.00	\$31,958.71
08/16 10	11018226	263759US0	1202	\$800.00	\$31,158.71
08/16 40	10490704	251113US2PCT	1806	-\$180.00	\$31,338.71
08/16 48	10451361		1806	-\$180.00	\$31,518.71
08/17 3	10472483	241082US2XPCT	1464	-\$130.00	\$31,648.71
08/17 3	10814247	251230US2	1806	\$180.00	\$31,468.71
08/17 6	10561530	241082US2XPCT	1464	\$130.00	\$31,338.71
08/17 155	11504584		1202	\$560.00	\$30,778.71
08/17 157	11504584		1203	\$360.00	\$30,418.71
08/17 158	11504584		1051	\$130.00	\$30,288.71
08/18 1	11252808	279642US-2 DIV	1464	\$130.00	\$30,158.71
08/18 4	11144621	273343US0CONT	1202	\$250.00	\$29,908.71
08/21 203	10244519		8011	\$55.00	\$29,853.71
08/21 204	10244519		8024	\$40.00	\$29,813.71
08/21 205	6290930		8008	\$200.00	\$29,613.71
08/21 206	6290930		8024	\$40.00	\$29,573.71
08/22 1	10435564	012880-004	1251	\$120.00	\$29,453.71
08/22 47	10896901	256318US3	1201	\$200.00	\$29,253.71
08/23 23	11499686	294650US2	1081	\$250.00	\$29,003.71
08/23 25	10003113	216934US2	1251	\$120.00	\$28,883.71
08/23 70	11338715	285119US/KQU	8007	\$20.00	\$28,863.71
08/23 79	11357195	286611US/KQU	8007	\$20.00	\$28,843.71
08/23 139	11505939	294715US8X CONT	8021	\$7,120.00	\$21,723.71

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07 JUL 2006

Marvin J. Spivak  
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.  
1940 Duke Street  
Alexandria, VA 22314

In re Application of  
OGURA, et al.  
Application No.: 10/561,530 (10/472,483  
PCT No.: PCT/JP01/08535  
Int. Filing Date: 28 September 2001  
Priority Date: 29 March 2001  
Atty Docket No.: 241082US2XPCT  
For: NEGATIVE RESISTANCE FIELD-EFFECT  
ELEMENT

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicant's "Petition Under 37 C.F.R. 1.181 to Grant a Filing Date" filed 14 December 2005 in the United States Patent and Trademark Office (USPTO). No petition fee is required.

**BACKGROUND**

On 28 September 2001, applicant filed international application PCT/JP01/08535, which claimed a priority date of 29 March 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 10 October 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 29 September 2003.

On 14 December 2005, applicant filed the present petition indicating that while a U.S. National stage entry had been filed with the USPTO on 29 September 2003 (as evidenced by the postcard returned by the USPTO with a serial number of 10/472,483), applicant was informed during a phone call with the PCT Help Desk that the USPTO had no record of the filing. Applicant's petition was accompanied by copies of the papers allegedly filed 29 September 2003.

**DISCUSSION**

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date-stamp, "Rec'd PCT/PTO 29 SEP 2003" and clearly identifies:

13 pgs. Specification, 3 Claims (English Translation)  
Combined Declaration, Petition & Power of Attorney (4 pages)  
Application Data Sheet  
Notice of Priority

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Application No.: 10/561,530

2

Dep. Acct. Order Form  
Credit Card Payment Form for \$900.00  
Drawings (3 Sheets)  
PCT Transmittal Letter  
PCT/IB/304  
International Preliminary Examination Report  
Information Disclosure Statement  
international Search Report  
Declaration of Takeyoshi SUGAYA

as well as listing the inventors, international application number and attorney docket number. The evidence is sufficient to establish that the National stage papers were received in the USPTO on 29 September 2003. Applicant has certified that the copies filed with the present petition are true and complete copies of the papers originally filed on 29 September 2003. As such, it is proper to GRANT applicant's petition at this time.

As the USPTO has no record of application serial number 10/472,483 the serial number identified above (10/561,530) will be considered the U.S. National stage entry for international application PCT/JP01/08535. The fees paid in application 10/472,483 will be transferred to the serial number 10/561,530 and applicant should continue to use this number in all future correspondence with the USPTO.

Regarding the declaration of inventor Sugaya, MPEP section 605.04 states:

When a typographical or transliteration error in the spelling of an inventor's name is discovered during pendency of an application, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. However, applicants are strongly encouraged to use an application data sheet such that any patent to issue will reflect the correct spelling of the inventor's name. Without an application data sheet with the corrected spelling, any patent to issue is less likely to reflect the correct spelling since the spelling of the inventor's name is taken from the oath or declaration, or any subsequently filed application data sheet.

Applicant's have advised the Office of the error in the international application, the inventor has confirmed the correct spelling of his name and applicant has provided an application data sheet with the correct spelling of the inventor's name. In addition, the name is correctly spelled on the combined declaration and power of attorney.

An examination of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States were satisfied on 29 September 2003.

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